

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

SUNDARI K. PRASAD,

Plaintiff,

v.

Civil Action No. **3:20CV582**

TED NEWSOME, *et al.*,

Defendants.

MEMORANDUM OPINION

Plaintiff, a Virginia inmate, has submitted an EEOC right to sue letter. Plaintiff has not filed a complaint in this action, and she has not paid the \$400 filing fee. Thus, she presumably wishes to proceed without prepayment of fees and seeks leave to proceed *in forma pauperis*.

The pertinent statute provides:

In no event shall a prisoner bring a civil action [*in forma pauperis*] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.


28 U.S.C. § 1915(g). Plaintiff has at least three other actions or appeals that have been dismissed as frivolous or for failure to state a claim. *See, e.g., Prasad v. Hampton Cir. Ct*, No. 3:17CV204, at *6 (E.D. Va. May 31, 2018), *aff'd* No. 18–6750, 2018 WL 4460861, at *1; *Prasad v. Berger*, No. 3:17CV74, 2018 WL 2088749, at *6 (E.D. Va. May 4, 2018); *Prasad v. Judicial Inq. & Review Comm’n.*, No. 3:17CV498, 2018 WL 2015809, at *4 (E.D. Va. Apr. 30, 2018); *Prasad v. Gothic Beauty Magazine*, No. 3:17CV446, 2018 WL 1863650, *5 (E.D. Va. Apr. 18, 2018); *Prasad v. United States*, No. 3:17CV510, 2018 WL 1143597, at *4 (E.D. Va. Mar. 2, 2018), *aff'd* 733 F. App’x 130, 131 (4th Cir. 2018); *Prasad v. Wash. Metro Police Dep’t*,

No. 3:17CV140, 2018 WL 1091999, at *4 (E.D. Va. Feb. 28, 2018); *Prasad v. Karn Art Inc.*, No. 3:17CV62, 2017 WL 5012591, at *4 (E.D. Va. Nov. 2, 2017), *aff'd* 712 F. App'x 329 (4th Cir. 2018); *Prasad v. Delta Sigma Theta Sorority, Inc.*, No. 3:16CV897, 2017 WL 4399551, at *5 (E.D. Va. Oct. 3, 2017), *aff'd* 712 F. App'x 336 (4th Cir. 2018). Plaintiff's current submissions do not suggest that she is in imminent danger of serious physical harm. Accordingly, her request to proceed *in forma pauperis* will be DENIED. The action will be DISMISSED WITHOUT PREJUDICE.

Plaintiff remains free to submit the EEOC right to sue letter and a complaint with the full \$400 filing fee. The Court will process such a complaint as a new civil action.

An appropriate Order shall accompany this Memorandum Opinion.

Date: August 11, 2020
Richmond, Virginia

<p>/s/  M. Hannah Lauck United States District Judge</p>
